IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.310 OF 2005

Ashok Mukund Randive ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. R.S. Kate, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

27th January 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Assuming that the case of the prosecution is accepted as it is against the Applicant, there is substance in the argument that the Applicant may suffer punishment for offence under section 304, Part I, in view of Exception 3 contained in section 300 Indian Penal Code. Reliance is rightly placed on the decision of the Supreme Court in the case of Laxman

Mahadeo Sariputra v. State of Maharashtra, II (2001) CCR 78 (SC) to support this proposition. The fact situation in the present case is similar, as the Applicant caused to assault the deceased while in custody during the course of investigation presumably for extracting confession. Besides, the investigation is complete and co-accused are also on bail. Accordingly, the Applicant deserves to be enlarged on bail on the following conditions.

(A) The Applicant be enlarged on bail in connection with offence registered at C.I.D. Khadki Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall extend full

co-opeartion to the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for causing delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)